

Legal Compilation

Statutes and Legislative History

Executive Orders

Regulations

Guidelines and Reports



THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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FOREWORD

America's journey to environmental awareness has been a relatively recent one. Not so many years ago Americans were still living under the illusion that a land as vast as ours was blessed with indestructible natural resources and beauty.

We continued the exploitation of those resources and scattered unplanned communities across huge areas of open space. Large amounts of fuel were needed for the autos that took us to work from distant suburbs, and the air became laden with their dense emissions. Pesticides were used indiscriminantly by persons unaware of their effects on the food chain of plants and animals. Our rivers became contaminated with waste from homes and industries. Our landscape was marred by litter.

As the environmentalist movement gained impetus, attention was focused on these matters. Rachel Carson's book, *Silent Spring*, in 1962 awakened Americans to the hazards of pesticides. The oil spills of the Torrey Canyon in 1967 and at Santa Barbara, California in 1969 dramatized another environmental hazard. The first Earth Day on April 20, 1970, a coordinated program of teach-ins across the nation, helped to focus Congressional attention on the strength of the environmental movement.

Congress responded by approving the President's Reorganization Plan No. 3 which expanded the federal commitment to environmental concerns and consolidated 15 Federal organizations under the Environmental Protection Agency.

At the same time, Congress began enacting far-reaching legislation to provide EPA with specific authority for controlling pollution. These measures included the Clean Air Amendments in 1970, and the Federal Water Pollution Control Act Amendments, Federal Environmental Pesticide Control Act, the Noise Control Act, and the Marine Protection, Research and Sanctuaries Act, all in 1972. Congress also passed the Resource Recovery Act in 1970 and extended the Solid Waste Disposal Act in 1973.

As the Agency began taking action under these laws, Americans gradually realized that very real changes were required in our accustomed ways of doing business. We realized that our effort frequently conflicted with powerful and legitimate interests in both

the public and private sectors. Our administrative, judicial and political processes now have the task of resolving these conflicts. They must do so by weighing all the interests which are affected in a sensitive and informed manner. Quick access to the legal dimensions of these problems is essential if conflicts are to be efficiently and fairly resolved.

The work of the present day environmentalist is less glamorous than that of four or five years ago, but it is essential if we are to face the continuing challenge of protecting our fragile and perishable natural resources—and ultimately ourselves—from destruction. I hope you will find this manual helpful as we strive to create a society where we can live and work in harmony with the natural world surrounding us.

RUSSELL E. TRAIN

Administrator

U.S. Environmental Protection Agency

PREFACE

Reorganization Plan No. 3 of 1970 transferred 15 governmental units with their functions and legal authority to create the U.S. Environmental Protection Agency. Since only the major laws were cited in the Plan, the Administrator, William D. Ruckelshaus, requested that a compilation of EPA legal authority be researched and published.

The publication has the primary function of providing a working document for the Agency itself. Secondarily, it will serve as a research tool for the public.

A permanent office in the Office of Legislation has been established to keep the publication updated by supplements.

It is the hope of EPA that this set will assist in the awesome task of developing a better environment.

LANE WARD, J.D.
Acting Executive Secretariat
Office of the Administrator
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INSTRUCTIONS

The goal of this text is to create a useful compilation of the legal authority under which the U.S. Environmental Protection Agency operates. These documents are for the general use of personnel of the EPA in assisting them in attaining the purposes set out by the President in creating the Agency. This work is not intended and should not be used for legal citations or any use other than as reference of a general nature. The author disclaims all responsibility for liabilities growing out of the use of these materials contrary to their intended purpose. Moreover, it should be noted that portions of the Congressional Record from the 92nd Congress were extracted from the "unofficial" daily version and are subject to subsequent modification.

EPA Legal Compilation consists of the Statutes with their legislative history, Executive Orders, Regulations, Guidelines and Reports. To facilitate the usefulness of this composite, the Legal Compilation is divided into the eight following chapters:

- | | |
|----------------|------------------|
| A. General | E. Pesticides |
| B. Air | F. Radiation |
| C. Water | G. Noise |
| D. Solid Waste | H. International |

SUBCHAPTERS

Statutes and Legislative History

For convenience, the Statutes are listed throughout the Compilation by a one-point system, i.e., 1.1, 1.2, 1.3, etc., and Legislative History begins wherever a letter follows the one-point system. Thusly, any 1.1a, 1.1b, 1.2a, etc., denotes the public laws comprising the 1.1, 1.2 statute. Each public law is followed by its legislative history. The legislative history in each case consists of the House Report, Senate Report, Conference Report (where applicable), the Congressional Record beginning with the time the bill was reported from committee.

Example:

- 1.1 Clean Air Act, as amended, 42 U.S.C. §1857 *et. seq.* (1970).

1.1a Air Pollution Act of July 14, 1955, P.L. 84-159, 69 Stat. 322.

- (1) Senate Committee on Public Works, S. REP. No. 389, 84th Cong., 1st Sess. (1955).
- (2) House Committee on Interstate and Foreign Commerce, H.R. REP. No. 968, 84th Cong., 1st Sess. (1955).
- (3) Congressional Record, Vol. 101 (1955):
 - (a) May 31: Amended and passed Senate, pp. 7248-7250;
 - (b) July 5: Amended and passed House, pp. 9923-9925;
 - (c) July 6: Senate concurs in House amendment, pp. 9984-9985.

This example not only demonstrates the pattern followed for legislative history, but indicates the procedure where only one section of a public law appears. You will note that the Congressional Record cited pages are only those pages dealing with the discussion and/or action taken pertinent to the section of law applicable to EPA. In the event there is no discussion of the pertinent section, only action or passage, then the asterisk (*) is used to so indicate, and no text is reprinted in the Compilation. In regard to the situation where only one section of a public law is applicable, then only the parts of the report dealing with same are printed in the Compilation.

Secondary Statutes

Many statutes make reference to other laws and rather than have this manual serve only for major statutes, these secondary statutes have been included where practical. These secondary statutes are indicated in the table of contents to each chapter by a bracketed cite to the particular section of the major act which made the reference.

Citations

The United States Code, being the official citation, is used throughout the Statute section of the compilation.

Executive Orders

The Executive Orders are listed by a two-point system (2.1, 2.2, etc.). Executive Orders found in General are ones applying to more than one area of the pollution chapters.

Regulations

The Regulations are noted by a three-point system (3.1, 3.2, etc.). Included in the Regulations are those not only promulgated by the Environmental Protection Agency, but those under which the Agency has direct contact.

Guidelines and Reports

This subchapter is noted by a four-point system (4.1, 4.2, etc.). In this subchapter is found the statutorily required reports of EPA, published guidelines of EPA, selected reports other than EPA's and inter-departmental agreements of note.

UPDATING

Periodically, a supplement will be sent to the interagency distribution and made available through the U.S. Government Printing Office in order to provide an accurate working set of EPA Legal Compilation.

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